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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/463,002	05/12/2000	PATRICK DROZ	SZ9-97-009N	5755

48878　　7590　　11/23/2005	EXAMINER	
VAN LEEUWEN & VAN LEEUWEN	HO, CHUONG T	
P.O. BOX 90609		
AUSTIN, TX 78709-0609	ART UNIT	PAPER NUMBER
	2664	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 May 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7 and 9-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6,7,9,11,12 and 14* is/are rejected.

7)☒ Claim(s) *5,10,13,15 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

1.   The amendment filed   05/05/04 have been entered and made of record.

2.   Applicant's arguments with respect to claims 1-2, 4-7, 9-16 have been

considered but are moot in view of the new ground(s) of rejection.

3.   Claims 1-2, 4-7, 9-16 are pending.

Claim Rejections - 35 USC § 112

4.   Claims 1, 6, 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

"The forwarding node concurrently swaps both the first label associated with a forward

direction and the second label associated with a backward direction using the swapping

table" which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. The forwarding node concurrently

swaps both the first label associated with a forward direction and the second label

associated with a backward direction using the swapping table.

5.   Claims 1, 6, 11 recite the limitation "the sending nodes" in "the sending nodes

include a first label into each of the cells representing an identification of the routing of

the cell; the sending nodes includes a second label into each of each of the cells

representing an identification of the source of the cell". There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was.made.

6.   Claims 1-2, 4, 6, 7, 9, 11, 12, 14 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Cidon et al. (U.S.Patent No. 5,579,480) in view of Kobyasi et

al. (U.S.Patent No. 6,333,932).

Regarding to claim 1, Cidon et al. discloses multipoint-to-point transmission method

for sending frames of data from at least two sending nodes via one or more forwarding

nodes to one receiving node in a ATM network wherein each frame of data is partitioned

into cells, comprising the step of:

- The sending nodes include a first label into each of the cells representing an

  identification of the routing of the cell (see col. 8, lines 61-63);

- The sending nodes include a second label into each of the cell representing an

  identification of the source of the cell (see col. 8, lines 63-65);

- The forwarding node swaps both the first label associated with a forward

  direction (see col. 9, lines 65-68; col. 10, lines 21-27) and the second label

  associated with backward direction (see col. 10, lines 30-37) using the swapping

  table (see col. 9, lines 43-53).

However, Cidon et al. is silent to disclosing the forwarding node concurrently swaps

both the first label associated with a forward direction and the second label associated

with backward direction.

Kobyasi discloses the quality and performance of the connectionless

communications system (see abstract); comprising:

- the forwarding node concurrently swaps (simultaneous changes) both the first

  label (header) associated with a forward direction and the second label

  associated with backward direction (see col. 11, lines 8-11, providing the SMDS

  service from the specific value (for example, VPI=3F, VCI=03FF) added by the

  individual unit, and simultaneously changes the value of the VPI/VCI assigned to

  the header of the ATM cell containing the payload field input from the individual

  unit of the DS3-SMDS interface, etc. and the L2-PDU of the SMDS service into

  the value of the VPI/VCI specifying the subscriber network interface (SNI)

  terminating the individual unit which transmits the ATM cell).

Both Cidon and Kobyasi discloses the multipoint-to-point transmission method for

sending frames of data from at least two sending nodes via one or more forwarding

nodes to one receiving node in a ATM network wherein each frame of data is partitioned

into cells. Kobyasi recognizes the forwarding node concurrently swaps both the first

label associated with a forward direction and the second label associated with backward

direction. Thus, it would have been obvious to one of ordinary skill in the art at the time

of the invention to modify the system of Cidon with the teaching of Kobyasi to

concurrently swaps both the first label associated with a forward direction and the

second label associated with backward direction in order to be able to differentiate the

cells of the different sources with the help of this second label.

7.   Regarding to claim 2, Cindon et al. further discloses the forwarding node swaps

the first and the second label according to the same swapping table (see col. 11, lines

22-26, table 3, col. 12, lines 10-54 – discloses an example of forward VC traversal using

table 3; col. 13, lines 19-25 – discloses an example of reverse VC traversal using table 3; the node is using the same table for both label swapping functions).

8.   Regarding to claim 4, Cidon et al. further discloses the swapping of the second label is carried out for the same ports of the respective forwarding nodes as for the first label (see col. 11, lines 22-26; table 3; col. 12, lines 10-54 – discloses an example of forward VC traversal using table 3; col. 13, lines 19-25 – discloses an example of reverse VC traversal using table 3; the node is using the same table for both label swapping functions so it is using the same ports).

9.   Regarding to claim 6, Cidon et al. discloses an apparatus for sending frames of data in a multipoint-to-point fashion from at least two sending nodes via one or more forwarding nodes to one receiving node in an ATM network wherein each frame of data is portioned into cells, comprising:

- In the sending nodes, means for including a first label into each of the cells representing an identification of the routing of the cell (see col. 8, lines 61-63);

- In the sending nodes, means for including a second label into each of the cells representing an identification of the source of the cell (see col. 8, lines 63-65);

- In the forwarding node, means for swapping both the first label associated with a forward direction (see col. 9, lines 65-68; col. 10, lines 21-27) and the second label associated with a backward direction (see col. 10, lines 30-37) using the swapping table (see col. 9, lines 43-53) and

- In the forwarding node, with respect to the second label, means for

   entering the swapping table in the column of the output labels and reading

   the corresponding input label (see col. 13, lines 22-30; table 3; disclosed

   is the reading of the input label marked Pin on the table when 2, 1023,

   which is an output label, is found).

However, Cidon et al. is silent to disclosing the forwarding node concurrently swaps

both the first label associated with a forward direction and the second label associated

with backward direction.

Kobyasi discloses the quality and performance of the connectionless

communications system (see abstract); comprising:

- the forwarding node concurrently swaps (simultaneous changes) both the first

   label (header) associated with a forward direction and the second label

   associated with backward direction (see col. 11, lines 8-11, providing the SMDS

   service from the specific value (for example, VPI=3F, VCI=03FF) added by the

   individual unit, and simultaneously changes the value of the VPI/VCI assigned to

   the header of the ATM cell containing the payload field input from the individual

   unit of the DS3-SMDS interface, etc. and the L2-PDU of the SMDS service into

   the value of the VPI/VCI specifying the subscriber network interface (SNI)

   terminating the individual unit which transmits the ATM cell).

Both Cidon and Kobyasi discloses the multipoint-to-point transmission method for

sending frames of data from at least two sending nodes via one or more forwarding

nodes to one receiving node in a ATM network wherein each frame of data is

partitioned into cells. Kobyasi recognizes the forwarding node concurrently swaps both the first label associated with a forward direction and the second label associated with backward direction. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Cidon with the teaching of Kobyasi to concurrently swaps both the first label associated with a forward direction and the second label associated with backward direction in order to be able to differentiate the cells of the different sources with the help of this second label.

10.   Regarding to claim 7, Cidon et al. further discloses the forwarding node swaps the first and the second label according to the same swapping table (see col. 11, lines 22-26; table 3; col. 12, lines 10-54 – discloses an example of forward VC traversal using table 3; col. 13, lines 19-25 – discloses an example of reverse VC traversal using table 3; the node is using the same table for both label swapping functions).

11.   Regarding to claim 9, Cidon et al. further discloses the swapping of the second label is carried out for the same ports of the respective forwarding nodes as for the first label (see col. 11, lines 22-26; table 3; col. 12, lines 10-54 – discloses an example of forwarding VC traversal using table 3; col. 13, lines 19-25 – discloses an example of reverse VC traversal using table 3; the node is using the same table for both label swapping functions so it using the same ports).

12.   Regarding to claim 11, Cidon et al. discloses multipoint-to point transmission method for sending frames of data from at least two sending nodes via one or more

forwarding nodes to one receiving node in an ATM network wherein each frame of data

is partitioned into cells, comprising the step of:

- The sending nodes including a first label into each of the cells representing an

  identification of the routing of the cell (see col. 8, lines 61-63);

- The sending nodes include a second label into each of the cells representing

  an identification of the source of the cell (see col. 8, lines 63-65);

- The forwarding node swaps both the first label associated with a forwarding

  direction (see col. 9, lines 65-68; col. 10, lines 21-27) and the second label

  associated with backward direction (see col. 10, lines 30-37) using the

  swapping table (see col. 9, lines 43-53) and with respect to second label, the

  forwarding node enters the swapping table in the column of the output labels

  and reads the corresponding input label (see col. 13, lines 22-30; table 3;

  disclosed is the reading of the input label marked Pin of the table when 2,

  1023, which is an output label, is found.

However, Cidon et al. is silent to disclosing the forwarding node concurrently swaps

both the first label associated with a forward direction and the second label associated

with backward direction.

Kobyasi discloses the quality and performance of the connectionless

communications system (see abstract); comprising:

- the forwarding node concurrently swaps (simultaneous changes) both the first

  label (header) associated with a forward direction and the second label

  associated with backward direction (see col. 11, lines 8-11, providing the SMDS

service from the specific value (for example, VPI=3F, VCI=03FF) added by the

individual unit, and <u>simultaneously changes</u> <u>the value of the VPI/VCI assigned to</u>

<u>the header of the ATM cell</u> containing the payload field input from the individual

unit of the DS3-SMDS interface, etc. and the L2-PDU of the SMDS service into

the value of the VPI/VCI specifying the subscriber network interface (SNI)

terminating the individual unit which transmits the ATM cell).

Both Cidon and Kobyasi discloses the multipoint-to-point transmission method for

sending frames of data from at least two sending nodes via one or more forwarding

nodes to one receiving node in a ATM network wherein each frame of data is partitioned

into cells. Kobyasi recognizes the forwarding node concurrently swaps both the first

label associated with a forward direction and the second label associated with backward

direction. Thus, it would have been obvious to one of ordinary skill in the art at the time

of the invention to modify the system of Cidon with the teaching of Kobyasi to

concurrently swaps both the first label associated with a forward direction and the

second label associated with backward direction in order to be able to differentiate the

cells of the different sources with the help of this second label.

13.   Regarding to claim 12, Cidon et al. further discloses the forwarding node swaps

the first and the second label according to the same swapping table (see col. 11, lines

22-26; table 3; col. 12, lines 10-54 – discloses an example of forward VC traversal using

table 3; col. 13, lines 19-25 – discloses an example of reverse VC traversal using table

3; the node is using the same table for both label swapping functions).

14.   Regarding to claim 14, Cidon et al. further discloses the swapping of the second

label is carried out for the same ports of the respective forwarding nodes as for the first

label (see col. 11, lines 22-26; table 3; col. 12, lines 10-54 – discloses an example of

forwarding VC traversal using table 3; col. 13, lines 19-25 – discloses an example of

reverse VC traversal using table 3; the node is using the same table for both label

swapping functions so it is using the same ports).

Allowable Subject Matter

16.   Claims 5, 10, 13, 15, 16 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHUONG T. HO whose telephone number is (571) 272-

3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

The fax phone number for the organization where this application or proceeding

is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

11/21/05

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER